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EXAMINER	
LU, KUEN S	

ART UNIT	PAPER NUMBER
2167	

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/026,189	EMERY ET AL.	
	Examiner	Art Unit	
	Kuen S. Lu	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 October 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12-19,21-28 and 38-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *38-46 and 50-52* is/are allowed.

6)☒ Claim(s) *12-19,21-28, 47-49 and 53-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *#1-6/23/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendments

1. The Action is responsive to the Applicant's Amendments, filed on October 24, 2005. The Applicant's Information Disclosure Statement, filed on June 23, 2005, is acknowledged and signed as attached.

2. The new claims 50-55 added in Applicant's Amendments are acknowledged and addressed accordingly together with previously and originally presented claims in the Office Action for Final Rejection (hereafter "the Action") as shown next.

3. As for the Applicant's Remarks on claim rejections, filed on October 24, 2005, has been fully considered by the Examiner, please see discussion in the section ***Response to Arguments***, following the Action.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 12-19, 21-28, 47-49 and 53-55 are rejected under 35 U.S.C. 102(e) as anticipated by Uemura et al. (U.S. Patent 6,609,085, hereafter "Uemura").

As per claims 47-49, Uemura teaches the following:

"accessing time series data of a process that is stored in a memory" (See Figs. 5, 26, 29 col. 14, lines 3-25, col. 25, line 61 – col. 26. 7 and col. 28, lines 24-45 wherein Uemura's system for accessing, monitoring and collecting time series data of an industrial plan at a remote site, and framing and recording the time series data to magnetic memory for being available for user to retrieve is equivalent to Applicant's accessing time series data of a process that is stored in a memory);

"(a) generating an access request that is based on a data structure that comprises a plurality of activities, at least a first one of said activities framing a portion of said time series data produced by a device, wherein said access request identifies said first activity and said device" (See Figs. 5, 26, 29 col. 14, lines 3-25, col. 25, line 61 – col. 26. 7 and col. 28, lines 24-45 wherein Uemura's trend data in time series format representing activity of an industrial process is being read out based on tag information of data groups and date information indicating the time the data being acquired is equivalent to Applicant's generating an access request that is based on a data structure that comprises a plurality of activities, at least a first one of said activities framing a portion of said time series data produced by a device, wherein said access request identifies said first activity and said device); and

"(b) in response to said access request, using said data structure to access said memory to retrieve said portion of said time series data" (See Figs. 5, 26, 29 col. 14, lines 3-25, col. 25, line 61 – col. 26. 7 and col. 28, lines 24-45 wherein Uemura's trend data in time series format representing activity of an industrial process is being read out, receive and displayed, based on tag information of data groups and date information

indicating the time the data being acquired is equivalent to Applicant's in response to said access request, using said data structure to access said memory to retrieve said portion of said time series data).

As per claims 12 and 21, Uemura further teaches "data structure for at least said first activity includes an activity structure that comprises an identity and a plurality of activity attributes" (See Fig. 37C and col. 30, lines 13-31 wherein Uemura's time series data for industrial activity includes attributes item, tag, date number, initialDate to identify and delta time to identify the activity values is equivalent to Applicant's data structure for at least said first activity includes an activity structure that comprises an identity and a plurality of activity attributes).

As per claims 13 and 22, Uemura further teaches "activity attributes are selected from the group consisting of: start time, end time, time varying parameter and item used in said process" (See Fig. 37A-37C, col. 59, lines 64-67 and col. 30, lines 1-31 wherein Uemura's time series data for industrial activity starts with starting date of taking in and ends with finishing date of taking in along with attributes item, tag, date number, initialDate to identify and delta time being utilized in the time series activity process is equivalent to Applicant's activity attributes are selected from the group consisting of: start time, end time, time varying parameter and item used in said process).

As per claims 14 and 23, Uemura further teaches "at least one of said activity attributes has an attribute value" (See See Fig. 37A-37C, col. 59, lines 64-67 and col. 30, lines 1-31 wherein Uemura's time series process whose attributes starting date of taking in, finishing date of taking in, item, tag, date number, initialDate to identify and delta time all have its attribute value is equivalent to Applicant's at least one of said activity attributes has an attribute value).

As per claims 15 and 24, Uemura further teaches "item is an equipment, and wherein said time series data is linked to said device, which is a part of said equipment" (See Figs. 26-27 and col. 25, line 49 – col. 26, line 65 wherein Uemura's time series process whose measurement instrument/recording device is part of and linked to plant is equivalent to Applicant's item is an equipment, and wherein said time series data is linked to said device, which is a part of said equipment).

As per claims 16 and 25, Uemura further teaches "access request identifies a said time varying parameter with a reference selected from the group consisting of: time based reference with respect to said an interval of said first activity, direct reference to said first activity and indirect reference to said first activity" (See Figs. 26-27, 37A-37C, col. 25, line 49 – col. 26, line 65, col. 59, lines 64-67 and col. 30, lines 1-31 wherein Uemura's time series activity is time varying data with respect to initalDate and delta time, directly refers to item, the measuring instrument, and indirectly refers to the plant is equivalent to Applicant's access request identifies a said time varying parameter with

a reference selected from the group consisting of: time based reference with respect to said an interval of said first activity, direct reference to said first activity and indirect reference to said first activity).

As per claims 17 and 26, Uemura further teaches "time based reference is with respect to a parameter that is independent of said process" (See Figs. 26-27, 37A-37C, col. 25, line 49 – col. 26, line 65, col. 59, lines 64-67 and col. 30, lines 1-31 wherein Uemura's time base reference is with respect to parameters plant, device and initalDate which are independent of the industrial process is equivalent to Applicant's time based reference is with respect to a parameter that is independent of said process).

As per claims 18 and 27, Uemura further teaches "direct reference directly refers to said first activity" (See Figs. 26-27, 37A-37C, col. 25, line 49 – col. 26, line 65, col. 59, lines 64-67 and col. 30, lines 1-31 wherein Uemura's time series activity is time varying data with respect to initalDate and delta time, directly refers to item, the measuring instrument, and indirectly refers to the plant of the industrial process is equivalent to Applicant's direct reference directly refers to said first activity).

As per claims 19 and 28, Uemura further teaches "indirect reference includes a reference to an equipment used by said process during said first activity" (See Figs. 26-27, 37A-37C, col. 25, line 49 – col. 26, line 65, col. 59, lines 64-67 and col. 30, lines 1-31 wherein Uemura's time series activity is time varying data with respect to initalDate

and delta time, directly refers to item, the measuring instrument, and indirectly refers to the plant of the industrial process is equivalent to Applicant's indirect reference includes a reference to an equipment used by said process during said first activity).

As per claims 53-55, Uemura further teaches "wherein each of said activities is something that happens or is planned to happen over a period of time during said process" (See col. 3, lines 45-50 wherein Uemura's time series data is selected to read out based on an arbitrary time period of the time series data at an arbitrary sampling period is equivalent to Applicant's wherein each of said activities is something that happens or is planned to happen over a period of time during said process).

Allowable Subject Matter

6. Claims 38-46 and 50-52 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

In the Examiner's Office Action for non-Final Rejection of June 22, 2005, 35 U.S.C. 35 U.S.C. § 102, rejections was based on the reference of Uemura et al. (U.S. Patent 6,609,085 "METHOD FOR STORING TIME SERIES DATA AND TIME SERIES DATABASE SYSTEM, METHOD AND SYSTEM FOR PROCESSING TIME SERIES DATA, TIME SERIES DATA DISPLAY SYSTEM, AND RECORDING MEDIUM", issued on August 19, 2003, hereafter "Uemura").

In the Remarks filed on October 24, 2005, the Applicant specifically pointed out that Uemura does not teach in responding to user's input data to define a data structure with a plurality of activities of a process and that responds to a request that identifies a first

activity by using the data structure to access the time series data to retrieve the time series data that occurs during the first activity as recited in independent claims 38, 43 and 46.

After further review of the search results previously conducted and Applicant's most currently amended claims, and consideration of the above Remarks, the Examiner is convinced that the prior art made of record does not teach the subject matter as cited in the following or its similar limitation in claims 38, 43 and 46.

"a processor and an activity framing program that responds to input data entered by a user to define a data structure,

wherein said activity framing program responds to said input data to define said data structure with a plurality of activities of said process, at least one attribute of a first one of said activities, a definition of said attribute and a tag for a device that produces at least a portion of said time series data that occurs during said first activity, and

wherein said framing program further responds to a request that identifies said first activity and said tag by using said data structure to access said time series data to retrieve said portion of said time series data".

An expanded and update search for the prior arts on EAST database and on domains NPL-ACM, Google and NPL-IEEE has been conducted. The prior arts searched and

investigated in the database and domains does not fairly teach or suggest the teaching of the claimed subject matter as reflected by the limitation as quoted.

The dependent claims in the groups (39-42 and 50), (44-45 and 51) and (52), depending claims 38, 43 and 46, respectively, also distinct from the prior art for the same reason.

7. The prior art made of record

G. U.S. Patent 6,609,085

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. U.S. Patent 5,974,457

B. U.S. Patent 6,633,823

C. U.S. Publication 2003/0014498

D. U.S. Patent 6,625,567

E. U.S. Patent 6,590,507

F. U.S. Publication 2002/0165733

H. U.S. Publication 2003/0120627

I. U.S. Patent 6,463,465

Response to Arguments

8. Applicant's arguments, see Remarks, Page 8, filed October 24, 2005, with respect to claims 38, 43 and 46 regarding user's input data to define a data structure

with a plurality of activities of a process and that responds to a request that identifies a first activity by using the data structure to access the time series data to retrieve the time series data that occurs during the first activity have been fully considered and are persuasive. The 35 U.S.C. 102 rejection of independent claims 38, 43 and 46 and corresponding dependent claims (39-42, 50), (44-45, 51) and 52, respectively, has been withdrawn.

As for Applicant's correction of the 35 U.S.C. 35 U.S.C. § 102(b) at the same Page of the Remarks, the Examiner expresses his thanks to the Applicant and has corrected 102(b) to 102(e).

The Applicant's arguments, see Remarks, Page 9, filed October 24, 2005, with respect to claims 47-49, stated that Uemura reference does not teach activity framing program because the reference does not disclose any way for the process conducted at the industrial plant to be user defined in terms of activities of the process.

As to the above argument, the Examiner respectfully submits that Uemura does teach program to generate access request based on data structure as previously described in the Action.

The Examiner further submits that the process to be user defined is disclosed in claims 38, 43 and 46, but not in claims 47-49. As to dependent claims (12-19 and 53), (21-28 and 54) and (55), which directly or indirectly depend on claims 47, 48 and 49,

respectively, the Examiner applies the above stated arguments for the respective claim upon which they depend.

In light of the forgoing arguments, the 35 U.S.C. § 103 rejections for claims 1-20 is hereby sustained.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuen S Lu whose telephone number is (571) 272-4114. The examiner can normally be reached on Monday-Friday (8:00 am-5:00 pm). If attempts to reach the examiner by telephone pre unsuccessful, the examiner's

Supervisor, Jean R. Homere, Esq. can be reached on (571) 272-3780. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for Page 13 published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll-free).

Kuen S. Lu
Patent Examiner

January 8, 2006